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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 JANE DOE, individually and on behalf of all
18 others similarly situated,

19 *Plaintiff,*
v.
20 META PLATFORMS, INC. (f/k/a Facebook,
21 Inc.), a Delaware corporation,
22 *Defendant.*

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*Attorneys for Defendant Meta Platforms, Inc.
(f/k/a Facebook, Inc.)*

Case No. 4:22-cv-00051-YGR

**STIPULATION AND ~~PROPOSED~~
ORDER RE: MOTION TO DISMISS**

23 Pursuant to Civil Local Rule 7-12, the parties respectfully submit this stipulation and
24 proposed order concerning the briefing schedule of Defendant's pending motion to dismiss.
25 Specifically, the parties agree that the deadline for Defendant's reply in support of its motion
26 to dismiss should be continued to June 23, 2022, to permit Defendant to depose Plaintiff's
27 expert on June 9, 2022. The parties further agree that if Defendant submits an expert report in
28

1 support of its reply brief, Plaintiff may file a Sur-Reply and/or rebuttal report limited to the
2 issues raised by Defendant's expert report on or before July 28, 2022.

3 WHEREAS, Defendant Meta Platforms, Inc. filed a motion to dismiss on March 7,
4 2022 (Dkt. 22);

5 WHEREAS, pursuant to the briefing schedule adopted by the Court, Plaintiff Jane Doe
6 filed her opposition to Defendant's motion on April 21, 2022, Defendant's reply in support of
7 its motion is due on June 6, 2022, and the hearing on said motion was set for June 21, 2022 at
8 2:00 pm (Dkt. 20);

9 WHEREAS, the Court approved the parties' stipulation and ordered the hearing on
10 Defendant's motion to dismiss continued from June 21, 2022 at 2 p.m. to August 23, 2022 at
11 2:00 p.m. (Dkt. 38);

12 WHEREAS, Plaintiff submitted the Declaration of Andrew Harding in support of her
13 opposition to Defendant's motion to dismiss (Dkts. 35-1, 36-1);

14 WHEREAS, pursuant to Local Civil Rule 30-1, on May 3, 2022, counsel for Defendant
15 informed counsel for Plaintiff that Defendant intended to notice the deposition of Dr. Harding
16 for May 18, 2022;

17 WHEREAS, through subsequent meet and confer, Plaintiff's counsel agreed to make
18 Dr. Harding available for deposition on June 9, 2022, after the current deadline for
19 Defendant's reply brief;

20 WHEREAS, the parties agree that the deadline for Defendants' reply brief should be
21 continued to June 23, 2022, to ensure sufficient time for the deposition and preparation of a
22 final transcript;

23 WHEREAS, the parties agree that if Defendant files an export report in response to
24 Dr. Harding's report, Plaintiff should have the opportunity to depose Defendant's expert and to
25 file a Sur-Reply and/or rebuttal report limited to the issues raised by Defendant's expert report
26 and related arguments in Defendant's reply brief;

27 WHEREAS, the parties agree that if Defendant files an expert report in response to
28 Dr. Harding's report, Plaintiff will depose Defendant's expert by July 14, 2022;

1 WHEREAS, the parties agree that if Defendant files an expert report in response to
2 Dr. Harding's report, Plaintiff may file a Sur-Reply and/or rebuttal report limited to the issues
3 raised by Defendant's expert report by July 28, 2022;

4 WHEREAS, the parties further agree if Defendant does not file its own expert report,
5 Plaintiff must seek leave of the Court to file a Sur-Reply, if appropriate;

6 WHEREAS, consistent with Paragraph 3 of the Court's standing order regarding
7 changes to the Court's calendar, the parties respectfully submit that there is good cause to
8 change the current briefing schedule to allow Defendant to take the deposition of Dr. Harding,
9 that no prejudice will result to either side from doing so, and that the proposed schedule will
10 allow the Court more than two weeks from the filing of Defendant's reply brief (or a potential
11 Sur-Reply brief from Plaintiff) before the scheduled hearing date;

12 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, subject to
13 the Court's approval, that Defendant's reply brief will be due on June 23, 2022, and that if
14 Defendant submits an expert report in support of its reply brief, Plaintiff may file a Sur-Reply
15 and/or rebuttal report limited to the issues raised by Defendant's expert report on or before
16 July 28, 2022.

17
18 Dated: May 13, 2022

Respectfully submitted,

19 By: /s/ Yaman Salahi
20

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*Attorneys for Defendant Meta Platforms, Inc.
(f/k/a Facebook, Inc.)*

ATTESTATION OF ELECTRONIC SIGNATURE

I hereby attest that pursuant to N.D. Cal. L.R. 5-1(h)(3), I have obtained authorization from the above signatories representing Plaintiff to file the above-referenced document, and that the above signatories concur in the filing's content.

/s/ *Rosemarie T. Ring*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

Defendant's reply in response to its motion to dismiss is due on June 23, 2022.

If Defendant submits an expert report in support of its reply brief, Plaintiff may file a Sur-Reply and/or rebuttal report limited to the issues raised by Defendant's expert report on or before July 28, 2022.

ENTERED: May 16, 2022

Yvonne Gonzalez Rogers
Honorable Yvonne Gonzalez Rogers
United States District Court